



State of Connecticut
Department of Developmental Services

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**DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY
BEFORE THE JUDICIARY COMMITTEE**

**H.B. No. 6641 - An Act Concerning the Sexual Assault of Persons Whose Ability to
Communicate Lack of Consent is Substantially Impaired**

March 25, 2013

Senator Coleman, Representative Fox and members of the Judiciary Committee. I am Terrence W. Macy, Ph.D., Commissioner of the Department of Developmental Services. Thank you for the opportunity to submit testimony in support of **H.B. No. 6641 - An Act Concerning the Sexual Assault of Persons Whose Ability to Communicate Lack of Consent is Substantially Impaired**.

Over the past several years, the Department of Developmental Services has been monitoring and providing input on various versions of a bill that would address the legal circumstances that led to the State Supreme Court's decision in *State v. Fourtin*. By changing the definition of "physically helpless", **H.B. No. 6641** includes protections for both those persons who are unable to communicate unwillingness to sexual contact and those persons who cannot physically resist unwanted sexual contact. This change should enhance the court's ability to prosecute those predators who would take advantage of the most vulnerable citizens of Connecticut.

While the department recognizes that adults with intellectual disability have the right to engage in consensual sexual relations, it is imperative that persons who have an impaired ability to consent to sexual contact or to defend themselves from unwanted sexual contact are protected. This bill will provide better tools to prosecutors to address exploitation, and the lack of capacity to consent, while maintaining the right of individuals with intellectual disability and other disabilities to have relationships. This difficult balance is addressed properly through this legislation. I would also like to thank the committee for replacing the term "mentally defective" with more accurate and appropriate terminology.

Thank you for the opportunity to testify to in support of **H.B. No. 6641**. Please contact Christine Pollio Cooney, Director of Legislative and Executive Affairs at (860) 418-6066, if you have any questions.